

# **DD7 McCann Reply Exh 1**

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION )  
OPIATE LITIGATION, )  
)MDL No. 2804  
County of Lake, Ohio v )  
Purdue Pharma L.P., et al., )Case No. 1:17-md-2804  
Case No. 18-op-45032 )  
)Judge Dan Aaron  
County of Trumbull, Ohio v. )Polster  
Purdue Pharma, L.P., et al., )  
Case No. 18-op-47079 )  
)  
Track 3 Cases )

The videotaped videoconference deposition  
of CRAIG J. McCANN, Ph.D., called for examination  
pursuant to the Rules of Civil Procedure for the  
United States District Courts pertaining to the  
taking of depositions, taken in McLean, Virginia,  
on the 11th day of June, 2021, at the hour of  
8:05 a.m.

Reported by: Gina M. Luordo, CSR, RPR, CRR  
License No.: 084-004143  
APPEARING REMOTELY FROM COOK COUNTY, ILLINOIS

1 correct?

2 A. Correct.

3 Q. All right. That leaves Flags 1 through 16  
4 in your April 2021 report. Those are new as of the  
5 April report, correct?

6 A. Well, I don't know if they were in  
7 existence in some other document on some earlier  
8 date, but they're in the April 16th report is all I  
9 can tell you.

10 Q. You didn't put those 16 red flags in any  
11 other previous report, correct, sir?

12 A. Correct.

13 Q. Who provided you with the 16 new red flags  
14 that appear in the April report?

15 A. I don't know about new, but if you're  
16 talking about 1 through 16, the same as 17 through  
17 43. Counsel provided them to me.

18 Q. You have a footnote on Page 150, and I  
19 think you may have referenced it earlier before we  
20 got to it in the report. Take a look at that one,  
21 please. It's footnote 44. And you say that it's  
22 your understanding that each of the red flag  
23 criteria can be found in or is supported by a  
24 variety of sources.

25 What is the basis of that understanding?

1 A. Counsel.

2 Q. You don't cite any actual documents here  
3 in footnote 44 supporting the red flag criteria.  
4 You say a non-exhaustive list of examples of such  
5 support can be found at Appendix 12.

6 Do I have that right?

7 A. Yes.

8 Q. Appendix 12 is the one that's more than  
9 24,000 pages long, right, sir?

10 A. I don't recall.

11 Q. Do you recall that you have an appendix  
12 that's more than 24,000 pages long?

13 A. Well, I was saying more than 10,000 pages  
14 earlier, and you said it was more than 24,000. So  
15 I don't have any reason to disagree with you.

16 Q. But you say in footnote 44 that  
17 Appendix 12 is not exhaustive. Do you anticipate  
18 adding still more pages to Appendix 12 at some  
19 other later date?

20 A. Not as I sit here, no.

21 Q. You didn't put together the flagging  
22 criteria reflected in your report based on your own  
23 review or your staff's review of documents and  
24 other sources, correct?

25 A. Correct.

1 Q. Who did that, if you know?

2 A. I don't know. As I said, I received these  
3 flagging methods from counsel. I don't know how  
4 they assembled them.

5 Q. Okay. Let's take a look at -- it's WAG 15  
6 in your box. This is going to be an excerpt in  
7 Appendix 12, the 24,000-pager.

8 MS. SWIFT: And I believe this will be  
9 Exhibit 10, Isaac.

10 (Whereupon, McCANN Deposition  
11 Exhibit No. 10 was marked for  
12 identification.)

13 BY MS. SWIFT:

14 Q. All right. Take a look at Page 38 of the  
15 excerpted Appendix 12. It shows the number of  
16 prescriptions flagged for 11 of the 16 -- the first  
17 16 red flags reflected in your April report,  
18 correct?

19 A. Yes.

20 Q. Why did you show numbers for just 11 of  
21 the 16?

22 A. Because counsel asked us to include as an  
23 exhibit this information.

24 Q. No other reason than that?

25 A. Correct.

1           Q.    Take a look at Page 245 of Appendix 12.  
2           It should be the very next page in the excerpt. Do  
3           you see that?

4           A.    Yes.

5           Q.    Page 245 of Appendix 12 identifies the  
6           number of flagged prescriptions for the original  
7           27 flags and the 16 new ones, right? It's all 43.

8                   Oh, no. It looks like you don't have all  
9           of them. You just have the first 34.

10          A.    Correct.

11          Q.    I wonder if I can show you the rest to  
12          make sure we're on the same page. Give me one  
13          second.

14                   Can you see that on the screen, sir?

15          A.    Yes.

16          Q.    You can see at the bottom, the page  
17          numbering says Page 1 of Appendix 12, and the  
18          heading is Highlighted Flag Total Summary and Bar  
19          Chart, correct?

20          A.    Yes.

21          Q.    And can you see at the top, it says Page 1  
22          of 24,336?

23          A.    Yes.

24          Q.    All right. We were looking at Page 245.  
25          So we'll start there.